

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

In re:

**Mark Ernest Smith and Susan Bullard Smith**

a/k/a Susan B Davis

**Case No. 10-81924**

S.S. Nos.: xxx-xx-0998 and xxx-xx-1470

Mailing Address: 5368 Highway 87S, Sanford, NC 27332-

Debtors.

**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on October 22, 2010.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: November 16, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtors  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

CH. 13 PLAN - DEBTS SHEET (MIDDLE DISTRICT - DESARDI VERSION)				Date: 10/4/10			
				Lastname-SS#: Smith-0998			
<b>RETAIN COLLATERAL &amp; PAY DIRECT OUTSIDE PLAN</b>							
Retain	Creditor Name	Sch D #	Description of Collateral				
	Lee County taxes	3	House & Lot Residence				
	Harnett County taxes	2	House & Lot Non Resident				
	Wells Fargo Home Mortgage	5	House & Lot Residence				
	Beneficial	1	House & Lot Non Resident				
<b>SURRENDER COLLATERAL</b>							
	Creditor Name	Description of Collateral					
	None						
<b>ARREARAGE CLAIMS</b>							
Retain	Creditor Name	Sch D #	Arrearage Amount	(See †)			
	Lee County taxes			**			
	Harnett County taxes			**			
	Wells Fargo Home Mortgage			**			
	Beneficial			**			
				**			
	None			**			
<b>REJECTED EXECUTORY CONTRACTS/LEASES</b>							
	Creditor Name	Description of Collateral					
	None	None					
<b>FILED ON PRINCIPAL RESIDENCE &amp; OTHER LONG TERM DEBTS</b>							
Retain	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	None			N/A	n/a		
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		
<b>STD - SECURED DEBTS @ FMV</b>							
Retain	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	None			5.00			
				5.00			
				5.00			
				5.00			
<b>STD - SECURED DEBTS @ 100%</b>							
Retain	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
	Wells Fargo Dealer Services	4	\$20,199	5.00	\$143	\$427.85	2004 Dodge Ram 1500
				5.00			
				5.00			
				5.00			
<b>PROPOSED CHAPTER 13 PLAN PAYMENT</b>							
ATTORNEY FEE (Unpaid part)		Amount					
Law Offices of John T. Orcutt, P.C.		\$2,800					
SECURED TAXES		Secured Amt					
IRS Tax Liens							
Real Property Taxes on Retained Realty		\$575					
UNSECURED PRIORITY DEBTS		Amount					
IRS Taxes							
State Taxes							
Personal Property Taxes							
Alimony or Child Support Arrearage							
CO-SIGN PROTECT (Pay 100%)		Int. %	Payoff Amt				
All Co-Sign Protect Debts (See*)							
GENERAL NON-PRIORITY UNSECURED		Amount**					
DMI= None(\$0)		None(\$0)					
Adequate Protection Payment Period: 6.41 months.							
Sch D # = The number of the secured debt as listed on Schedule D.							
Adequate Protection = Monthly 'Adequate Protection' payment amt.							
† = May include up to 2 post-petition payments.							
* Co-sign protect on all debts so designated on the filed schedules.							
** = Greater of DMI x ACP or EAE (Page 4 of 4)							
Ch13Plan_MD_(DeSardi Version 1/12/10) © LOJTO							
Other Miscellaneous Provisions							
Plan to allow for 3 "waivers". Interest on EAE at fed. judgment rate							

## **CERTIFICATE OF SERVICE**

I, Kaelyn McCollum, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s Kaelyn McCollum

Kaelyn McCollum

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

CitiBank  
Post Office Box 6500  
Sioux Falls, SD 57117-6500

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

Bank of America  
Post Office Box 15028  
Wilmington, DE 19850-5028

CitiBank  
Post Office Box 6500  
Sioux Falls, SD 57117

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Bank of America  
Post Office Box 15026  
Wilmington, DE 19850-5026

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402-6140

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

Bank One  
13600 Woodale Drive  
Menomonee, WI 53051

Jenna Davis  
5102 Barbecue Church Road  
Sanford, NC 27332

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

Beneficial  
ATTN: General/Managing Agent  
Post Office Box 3425  
Buffalo, NY 14240-9733

Federal Housing Authority  
Department of HUD  
1500-401 Pine Croft Road  
Greensboro, NC 27407

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

Cary Automotive Company  
81 Mackenan Drive  
Cary, NC 27511

Ford Motor Credit  
Post Office Box 542000  
Omaha, NE 68154

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Chase  
Post Office Box 15298  
Wilmington, DE 19850-5298

GE Money Bank  
Bankruptcy Dept.  
Post Office Box 103104  
Roswell, GA 30076-3104

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Chase  
13600 Woodale Drive  
Menomonee, WI 53051

Guaranty Bank  
4000 West Brown Deer Road  
Brown Deer, WI 53209

Internal Revenue Service (ED)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Chase  
Post Office Box 15299  
Wilmington, DE 19850-5299

Harnett County Tax Collector  
305 West Cornelius Harnett Blvd.  
Suite 101  
Lillington, NC 27546

Internal Revenue Service  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Sears  
Post Office Box 6282  
Sioux Falls, SD 57117-6282

Jenna Davis  
5102 Barbecue Church Road  
Sanford, NC 27332

US Attorney's Office  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615

Wells Fargo Dealer Services  
ATTN: General/Managing Agent  
Post Office Box 25341  
Santa Ana, CA 92799-5341

Lee County Tax Collector  
Post Office Box 1968  
Sanford, NC 27331-1968

Wells Fargo Dealer Services  
ATTN: General/Managing Agent  
Post Office Box 168048  
Irving, TX 75016-8048

Lowes  
Post Office Box 981400  
El Paso, TX 79998

Wells Fargo Home Mortgage  
ATTN: General/Managing Agent  
Post Office Box 14411  
Des Moines, IA 50306-3411

North Carolina Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

North Carolina Dept of Revenue  
Post Office Box 1168  
Raleigh, NC 27602-1168

North Carolina Employment Security  
Commission  
Post Office Box 26504  
Raleigh, NC 27611-6504

San Lee Security  
105 West High Street  
Sanford, NC 27332